

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DANIELLE BASSANO,

Plaintiff,

v.

WAL-MART STORES, et al.,

Defendants.

Civil Action No.: 18-153 (MAS) (TJB)

MEMORANDUM ORDER

THIS MATTER comes before the Court upon the Report and Recommendation (“R&R”) of the Honorable Tonianne J. Bongiovanni, U.S.M.J., regarding Plaintiff Danielle Bassano’s (“Plaintiff”) failure to participate in the litigation. (R&R, ECF No. 17.) Judge Bongiovanni’s R&R provides a detailed account of both the Court’s and Defendant Wal-Mart Stores, et al.’s (“Defendants”) efforts to engage Plaintiff in the litigation, as well as Plaintiff’s failure to attend scheduled Independent Medical Examinations (“IMEs”), communicate with counsel, and comply with the Court’s orders. (*See generally* R&R.) According to the R&R, Plaintiff missed five IMEs and failed to respond to her own counsel, resulting in her counsel’s request to be relieved as counsel in this matter. (*Id.* at 2–3.) Judge Bongiovanni subsequently issued an Order requiring Plaintiff “to object, retain new counsel or confirm that she will represent herself.” (*Id.* at 3.) The Order provided that Plaintiff’s “failure to respond may result in sanctions including dismissal of the Complaint.” (*Id.*) Plaintiff, nevertheless, failed to respond to the Court’s Order or communicate with her own counsel. (*Id.*)


The R&R also sets forth the legal standard, evaluates the factors set forth in *Poulis v. State Farm Fire and Casualty Co.*, 747 F.2d 863, 868 (3d Cir. 1984), and ultimately recommends that

the Court dismiss Plaintiff's case with prejudice and require Plaintiff to reimburse Defendants \$1,450 in "no show fees" associated with her five missed IMEs. (*Id.* at 3–6.)

The Court received no objections to Judge Bongiovanni's R&R pursuant to Local Civil Rule 72.1(c)(2). The Court has reviewed and carefully considered the R&R and other documents on file in this matter and finds good cause to adopt Judge Bongiovanni's findings. Accordingly,

IT IS on this 17th day of July 2020, **ORDERED** that:

1. The R&R (ECF No. 17), is hereby **ADOPTED** as the Findings of Fact and Conclusions of Law of this Court.
2. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.
3. By **September 10, 2020**, Plaintiff must pay Defendant the "no show fees" associated with the five missed IMEs, totaling **\$1,450**.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE